



COUNTY OF YOLO

Office of the County Administrator

Patrick S. Blacklock
County Administrator

625 Court Street, Room 202 Woodland, CA 95695
(530) 666-8150 FAX (530) 668-4029
www.yolocounty.org

July 2, 2010

Delta Stewardship Council
c/o P. Joseph Grindstaff, Interim Executive Officer
650 Capitol Mall, Fifth Floor
Sacramento, CA 95814

Dear Council Members and Mr. Grindstaff,

The County of Yolo offers the following comments on the First Draft Interim Plan ("First Draft"), released by the Delta Stewardship Council on June 14, 2010. These comments supplement those offered by the Delta Counties Coalition, and are in addition to the specific concerns raised therein. The County may offer additional comments in testimony during the upcoming Council meeting.

As an initial matter, the First Draft answers some of the County's key concerns with the outline for the Interim Plan released a few weeks ago. Importantly, the First Draft explains that the Interim Plan is intended to guide the recommendations and other actions of the Council prior to adoption of the Delta Plan, and that it will not have any regulatory force. These are important clarifications. In addition, the framework and content of the First Draft also appear to be generally sound, though a considerable amount of additional work is obviously forthcoming.

Despite these observations, the County has the following specific concerns about the text of the First Draft:

- **Outdated economic data:** There is considerable discussion on p. 10 of the Delta's gross regional economic product and related matters. Much of it relies on data that is from a 1994 report. This can easily be updated to accurately reflect the current economic status of the Delta economy. Also, some sentences are redundant (and one is repeated twice in successive paragraphs).
- **Skimpy description of agricultural characteristics/habitat values:** The discussion on pp. 9-10 should be expanded to include further discussion of the agricultural characteristics and habitat values of the Delta. For example, a discussion of the regional wine grape industry and other key aspects of Delta agriculture should be included. The existing terrestrial habitat values of the Delta—which contains vital habitat for many endangered and threatened species—should also be briefly described either here on in the preceding discussion on pp. 7-8.
- **Inaccurate statement of state water policy:** On p. 14, there is a statement that Section 85023 of the Water Code (added by the 2009 water legislation) established "reasonable use and public trust as the foundation of state water policy." This is not

accurate to the extent it suggests that Section 85023 changed state water law. Section 85023 does not alter the traditional legal and policy foundations of state water policy or effect any other substantive change to our water rights system.

- **Burdensome project review requirements:** Pages 21 and 22 describe procedures for Council review of projects prior to completion of the Delta Plan. Some components of these procedures seem unduly burdensome and unnecessary. One clear example is the requirement for information on project financing, which appears to obligate all project proponents to develop a financing plan for Council review and to demonstrate that they have sufficient capital for “ongoing operations and maintenance and information on planned financial coverage of contingencies for failure.” This seems to be beyond the proper purview of the Council and is rarely required as part of any local planning process. Overall, this section should be redrafted to ensure that Council review of projects prior to adoption of the Delta Plan is streamlined and no more burdensome than necessary to enable the Council to fulfill its limited statutory role (i.e., to make recommendations) during this period.
- **Freeze of project approvals:** On p. 22, the First Draft states: “No state or local agency should undertake or approve a project that is potentially a covered action until the Delta Plan is adopted, unless the project is included in the specific exclusions enumerated in SBX7 1.” The County has no objection to consulting the Council on projects that may be approved prior to adoption of the Delta Plan. However, at the very least, the full moratorium envisioned by this statement does not seem necessary.

In addition to the foregoing, the County has observed certain errors and omissions in the appendices to the First Draft. First, the description of the Yolo Natural Heritage Program (p. 61 of Appendix V) omits the University of California, Davis, as a member of the joint powers authority responsible for plan preparation. It also understates the number of covered species (64, rather than 28) anticipated to be included in the plan. Second, the County reiterates its previous requests for the Interim Plan to include the actions, projects, and programs described in the enclosure to its May 12, 2010 comment letter. Third, the Interim Plan should also identify and describe the Yolo Bypass Working Group as an ongoing effort—much like the Lower Yolo Bypass Planning Forum—to address land use and resource planning issues in the Delta. The Working Group is led by the Yolo Basin Foundation and it can provide further descriptive information about the effort, which has been ongoing since 1998 (alternatively, further information about the Working Group is described in the Foundation’s website).

The County looks forward to the opportunity to comment on additional drafts of the Interim Plan. We appreciate your consideration of these comments.

Sincerely,



Pat Leary
Assistant County Administrator